REGISTER OF
CLASSIFICATION DECISIONS

Date of entry in Register:	09 November 1999
Name of applicant/court:	The District Court at Auckland
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Examination N980789
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Jaz Disk
Country of Origin:	Not Applicable
Language:	English

Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The Jaz disk *Examination N980789* is classified as:
Objectionable.

The publication is a Jaz disk that has been used as backup storage for files originally contained on an AppleMac computer. It contains approximately 17 500 files and is organised into seven main directories, and numerous associated sub-directories. It contains a wide variety of files including personal correspondence, photographic images, and various programs and applications. One of the directories, *Photos*, has approximately 2 800 files containing photographic images. The majority of these are of female children and young persons and feature nudity and/or sexual activity. There are also a number of images of a violent, horrific and criminal nature, including a particularly disturbing series of images explicitly showing a naked man and woman cutting up and mutilating a corpse.

The publication is classified as objectionable because it promotes and supports criteria listed under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act).

The publication promotes and supports the exploitation of children and young persons for sexual purposes, as outlined under s3(2)(a) of the FVPC Act, by encouraging the viewer to be sexually aroused by children and young persons who are presented as desirable, viable and legitimate sexual partners. There are numerous photographic images of pre-pubescent children and young teenagers posing naked in a sexually provocative manner and/or engaging in sexual activity with each other or with adults.

The publication promotes and supports the use of violence and coercion to compel people (particularly children) to participate in, or submit to sexual conduct, as outlined under s3(2)(b) of the FVPC Act. Several photographic images show pre-pubescent children being subjected to sexual activity while restrained or being restrained in a sexually provocative manner.

The publication promotes and supports the use of urine and excrement in association with sexual conduct and the use of excrement in association with degrading and dehumanising conduct, as outlined under s3(2)(d) of the FVPC Act. There are numerous images of people urinating and defecating, often over other people. The people are often naked and frequently pose in sexually provocative positions and/or are engaging in sexual activity.

The publication promotes and supports bestiality, as outlined under s3(2)(e) of the FVPC Act. There are a number of images explicitly showing people engaging in sexual activity with animals. These images cater to people with an interest in sexual activity with animals and validate this interest. The viewer is encouraged to be sexually aroused by sexual activity involving animals.

The publication promotes and supports criteria listed under s3(2) of the FVPC Act and is therefore deemed to be objectionable. Section 3(2) of the FVPC Act overrides the New Zealand Bill of Rights Act 1990 (NZBR Act) because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act.

OFLC Ref: 9901413